

06/21/01
10970 U.S. PTO

06-22-01

Box 507 / A

Practitioner's Docket No. 701586/50113-C

PATENT

11000 U.S. PTO
09/886779
06/21/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

CONTINUATION APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Chandran R. SABANAYAGAM; Takeshi SANO; John MISASI; Anson HATCH; Charles CANTOR

For (title): NUCLEIC ACID ARRAYS AND METHODS OF SYNTHESIS

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☐ Original (nonprovisional)
☐ Design
☐ Plant
☐ Divisional.
☒ Continuation.
☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Address"
Mailing Label No. EL565099250US
(mandatory)

Date: 6/21/01

Patricia W. Turner
Signature
Patricia W. Turner
(type or print name of person certifying)

2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application number 09/287/781, filed April 8, 1999, and 60/081,254, filed April 9, 1998.

3. **Papers Enclosed**

A. **Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

30 Pages of Specification
5 Pages of Claims
9 Sheets of Drawing

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

- ☐ Formal
☒ Informal

B. **Other Papers Enclosed**

5 Pages of declaration and power of attorney (copy from prior application no. 09/287,781)
1 Page of Abstract
____ Other

4. **Additional Papers Enclosed**

- ☒ Preliminary Amendment
☒ Information Disclosure Statement (37 C.F.R. Section 1.98)
☒ Form PTO-1449 (PTO/SB/08A and 08B)
☐ Citations
☐ Declaration of Biological Deposit
☒ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence
☒ Transmittal of Substitute Specification Sheets
☒ Substitute Specification Sheets (10 pages)
☒ Paper Copy of Sequence Listing (3 pages)
☒ Statement that "Sequence Listing" and Computer Readable Copy are the same and/or that Papers Submitted Includes No New Matter
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
☐ Special Comments
☐ Other

5. Declaration or Oath (including power of attorney)

☒ Enclosed (copy from prior application no. 09/287,781)

6. Assignment

☒ An assignment of the invention to Trustees of Boston University was recorded on Reel 010315, Frame 0932 on October 18, 1999 in prior application no. 09/287,781.

7. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$355.00
Total Claims (37 C.F.R. Section 1.16(c))		- 20 =	x	\$18.00	
Independent Claims (37 C.F.R. Section 1.16(b))		- 3 =	x	\$80.00	
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))					
		+		\$270.00	

Filing Fee Calculation \$ 355.00

- B. ☐ Design application
(\$320.00--37 C.F.R. Section 1.16(f))

Filing Fee Calculation \$

- C. ☐ Plant application
(\$490.00--37 C.F.R. Section 1.16(g))

Filing Fee Calculation \$

9. **Fee Payment Being Made at This Time**

☐ Not Enclosed

- ☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)

☒ Enclosed

☐ Filing fee \$ 355.00

Total Fees Enclosed \$ 355.00

10. **Method of Payment of Fees**

☒ Check in the amount of \$ 355.00

☐ Charge Account No. in the amount of \$.
A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

11. **Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

(New Application Transmittal--page 4 of 5)

0988679-062404

- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).)
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).

- ☒ Credit Account No. 50-0850
- ☐ Refund


SIGNATURE OF PRACTITIONER

Reg. No.: 30,628

Tel. No.: 617-345-6054

Customer No.: 26248

Ronald I. Eisenstein
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATIONS CLAIMED**

1. Relate Back

Amend the specification by inserting, before the first line, the following sentence:

***"The following application is a continuation of U.S. application number 09/287,781, filed April 8, 1999, which claims the benefit of U.S. Provisional application number 60/081,254, filed April 9, 1998.

2. Maintenance of Copendency of Prior Application

***This application is a continuation of copending application 09/287,781, filed April 8, 1999.

claims the benefit of U.S. Provisional Application No.

60/081,254 filed April 9, 1998, which files are incorporated herein by reference.

09/287,781-152401

Practitioner's Docket No. 50113-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: C. Sabanayagam et al.

Application No.: To be assigned

Group No.: 1655

Filed: Herewith

Examiner: Lu, F.

For: NUCLEIC ACID ARRAYS AND METHODS OF SYNTHESIS

Box Sequence

Assistant Commissioner for Patents

Washington, D.C. 20231

TRANSMITTAL OF SUBSTITUTE SPECIFICATION SHEETS (37 C.F.R. § 1.125)

1. Enclosed are substitute specification sheets 31-40 for pages 31-36 of the originally filed specification in this application.

2.

[] This substitute specification is submitted, in response to a requirement by the Examiner. Namely, filing of SEQUENCE LISTING.

OR

[X] This substitute specification is being voluntarily submitted, in order to facilitate the processing of the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

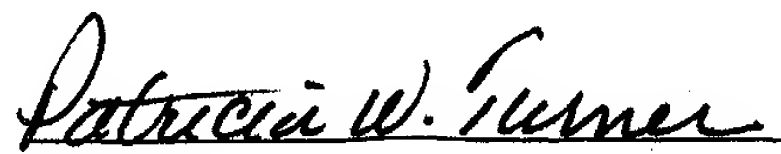
I hereby certify that, on the date shown below, this correspondence is being:

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FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: 6/21/01

Patricia W. Turner
(type or print name of person certifying)

(Transmittal of Substitute Specification page 1 of 2)

3. As required by 37 C.F.R. § 1.125, the undersigned states that the substitute specification transmitted herewith contains no new matter.


SIGNATURE OF PRACTITIONER

Reg. No. 30,628

Ronald I. Eisenstein
(type or print name of practitioner)

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101 Federal Street
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Boston, Massachusetts 02110

0988679-062484

Practitioner's Docket No. 701586/50113-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: C. Sabanayagam et al.

Application No.: Unassigned

Group No.: Unassigned

Filed: Herewith

Examiner: Unassigned

For: NUCLEIC ACID ARRAYS AND METHODS OF SYNTHESIS

Assistant Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL565099250US

Date of Deposit: June 21, 2001

I hereby state that the following *attached* paper or fee

Continuation Application Transmittal (5 pages);

30 pages of Specification;

5 pages of claims;

9 sheets of drawings;

1 page of Abstract;

Declaration and Power of Attorney (5 pages);

Preliminary Amendment (7 pages);

Information Disclosure Statement and Form 1449 (4 pages);

Submission of "Sequence Listing," Computer Readable Copy, and Amendment Pertaining

Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence
(3 pages);

Paper Copy of Sequence Listing (3 pages);

Transmittal of Substitute Specification Sheets (2 pages);

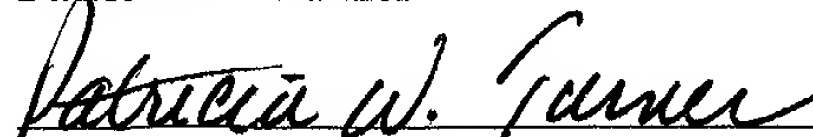
Substitute Specification Sheets (10 pages);

Check for \$355.00;

Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patricia W. Turner



Signature of person mailing paper or fee

09866779-0610
TOTAL 6449360

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/26/2001 JBALINAN 00000035 09886779

01 FC:201

355.00 OP

PTO-1556
(5/87)